

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

JENNIFER F.,

Plaintiff

v.

ANDREW SAUL, Commissioner
Social Security Administration,
Defendant

No. 1:19-CV-00547-MSM-PAS

O R D E R

Mary S. McElroy, United States District Judge.

This matter is before the Court on the Plaintiff's Motion to Reverse and Remand, (ECF No. 11) and the Defendant's Motion to Affirm (ECF No. 15), the denial by an Administrative Law Judge (ALJ) of Disability Insurance Benefits under 42 U.S.C. § 405(g) of the Social Security Act and Supplemental Security Income under § 1631(c)(3). The Plaintiff filed an Objection to the Report and Recommendation of Magistrate Judge Patricia A. Sullivan (ECF No. 16) which had recommended that the Court deny the Motion to Reverse and grant the Motion to Affirm.

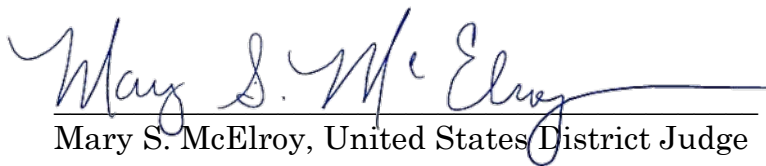
Although the Plaintiff claimed both physical and mental disabilities, the dispute here concerns the impact of mental health diagnoses, as she accepted the ALJ's decision with respect to physical disabilities. (ECF No. 16, p. 1, n.2). She

contested before the Magistrate Judge, and does so again in this Court, the ALJ's conclusion that she was not disabled because her residual functional capacity was such that she could successfully work at a sufficient number of jobs available in the economy. (ECF No. 6-2, p. 32). She argues that the ALJ's conclusions were not supported by substantial evidence. (ECF Nos. 11, 17).

My review of those portions of the Report & Recommendation that are objected to is *de novo*. 28 U.S.C. § 636(b)(1). However, my review of the record is not *de novo*. Like the Magistrate-Judge, I am bound to accept and give deference to those findings and conclusions of the ALJ that are supported by substantial evidence. *Tsarelka v. Sec'y of Health & Human Servs.*, 842 F.2d 529, 535 (1st Cir. 1988). I have reviewed the record and adopt the reasoning and conclusions of the Magistrate-Judge that the ALJ decision rested on a foundation of substantial evidence.

The Court therefore DENIES the Motion to Reverse and Remand (ECF No. 11) and GRANTS the Motion to Affirm (ECF No. 15).

IT IS SO ORDERED:


Mary S. McElroy, United States District Judge

Date: November 4, 2020